COVERUPS!

Number 15 *Gary Mack, Editor & Publisher* March, 1984

YEP, IT'S HIM—PATHOLOGISTS RELEASE OSWALD REPORT

by Gary Mack

More than two years after the October 4, 1981 exhumation, a final report has been written by the forensic pathology team. It reaffirms the original conclusion that the body was, in fact, that of the Lee Harvey Oswald who enlisted in the Marine Corps in 1956.

But the report also locates an "autopsy saw cut," or craniotomy, that other trained observers did *not* see. As disclosed in Coverups early last year, morticians Paul Groody and Alan Baumgardner, who buried Oswald in 1963 and assisted during the exhumation, saw no evidence of a craniotomy. Without that standard cut, which Dr. Earl Rose performed to remove the brain, the exhumed skull could not possibly be that of the man killed by Jack Ruby; and if that proves true, then the military records supplied to the pathology team by the government must be fakes.

The nineteen page report appears in the January 1984 issue of the Journal of Forensic Sciences, a professional publication of the American Academy of Forensic Sciences. Accompanying the report are 4 tables, 2 diagrams and 13 photographs. Dr. Linda Norton, who headed the team, wrote and revised the report with the approval of the other members: Drs. Cottone, Sopher and DiMaio. Sopher and DiMaio are on the Journal's editorial board, as is Warren Commission critic Cyril Wecht.

Section one, Historical Background and Legal Proceedings, is a straightforward retelling of the major events up to the exhumation. But there are also two significant errors and a surprising suspicion about the Texas court system.

The first mistake is the location of the Oswald shooting, which was the basement of the City Jail, not the "Dallas County Jail." While it has no bearing on the exhumation results, the error certainly does not instill confidence in the "experts."

But the second mistake is more substantial and could be perceived as an effort to denigrate Michael Eddowes, the attorney and one time British Intelligence expert who has pursued the imposter theory for more than a decade. The report refers to the numerous physical discrepancies and their history as "what Eddowes called inconsistencies."

Associated Press

Lee Harvey Oswald at 19: a U.S. Marine in California.

Lee and Marina Oswald pose for a portrait in a Dallas photo booth soon after their 1962 arrival from the Soviet Union.

In a recent phone conversation, Eddowes expressed outrage at the authors' implication that the discrepancies were just a characterization. "They are differences anyone would notice and were more than sufficient to raise reasonable doubt among experts, including Dr. Petty" he explained. Petty is the Dallas County Medical Examiner for whom Norton worked. County officials put pressure on him and he ultimately backed out of the exhumation proceedings. Norton, at the time of the exhumation, had become Medical Examiner for Birmingham, Alabama.

Eddowes also emphatically denied the report's statement that Dr. Felix Gwozdz, the Tarrant County (Fort Worth) Medical Examiner, had refused an exhumation. Instead, Gwozdz *had* agreed by the late 1970s, but had been denied permission by Marguerite Oswald, who ten years earlier had failed in her own attempt to have her son exhumed. Gwozdz died a year or so before the exhumation.

While the report accurately lists the many legal maneuvers prior to the exhumation, the authors expressed some surprise that following a restraining order in a Fort Worth court, a lawsuit filed by Marina Oswald Porter "by remarkable coincidence...became randomly assigned to" the same court. It was, and still is, amazing that all the relevant legal decisions which prevented exhumation were made in the same court by the same judge, even though in Texas cases are supposedly assigned on a random, rotation basis.

In the report's second section, Preparations for Exhumation and Examination, there's a diagram of the Pathology Lab at Dallas' Baylor University, site of the study. It was here that crucial dental x-rays were made for comparison with Oswald's military x-rays.

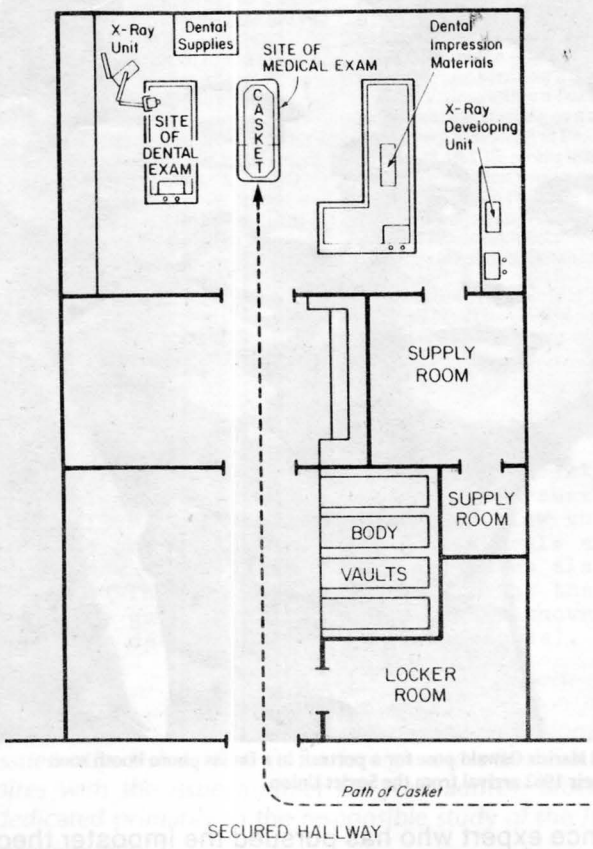


FIG. 1—*Baylor Pathology Laboratories (schematic drawing) as equipped, staffed, and used for the examination and identification of Lee Harvey Oswald on 4 Oct. 1981.*

But despite the presence of a developing unit, the x-rays were processed and studied in a *different* room on a *different* floor. And at one point, some were forgotten and left apparently unattended! Security guard John Cullins, then a personal friend of Marina and not part of Baylor security, was asked to retreive the x-rays; he burst out of the lab, raced upstairs and returned moments later with several x-rays, including a full chest view. The report makes no mention of such an x-ray, either an old one from the Marines or a new one.

The point is that the diagram implies the x-rays were developed and examined in the same room. They were not. And even though the report states "Security was of paramount importance," some of the crucial evidence was apparently left unguarded, away from the examination room.

Section three of the report, The Exhumation, is a two paragraph description of the events at Rose Hill Cemetery on the east side of Fort Worth. The authors confirmed that part of the casket had caved in, exposing some of the body to view.

The next section covers the External Examination. The body was left in the coffin and measured at 5-9½ from "superior skull to heel region on the left." There was no explanation why the height was not also measured along the right leg for comparison.

Since height was the most consistent discrepancy, the team's failure to fully document the length of the corpse is absolutely inexcusable. I suspect that if a length of 5-10 or longer had been found they quickly would have measured along the right side to see if it was closer to the "official" Dallas Police height of 5-9.

According to the report, the "lower extremities (were) extended and straight." Other sentences and descriptions indicate the skin, though decomposed in some areas, was still strong enough to hold the body together. But no comparative measurement was made.

The pathologists did measure the right tibia as 15 inches which, when applied to standard data for white males at that time, indicated an average body height of 5-8½. But this so-called evidence only clouds the real issue. The height of an average male with a 15 inch lower leg is totally irrelevant to the question which led to the exhumation: How could the Marine Oswald of 5-11 be measured on several occasions at 5-9 after spending three years in Russia?

Note, too, that the left side measurement was from the top of the skull to the "heel region," not the bottom of the heel. Would that have added an extra inch or so? The report mentions that no shoes were on the corpse, so that possible excuse cannot apply.

Some might take the 5-9½ measurement and compare it to the 5-8½ estimate and conclude that after 18 years a minor variation is reasonable or even expected. Yet the report makes no such assumption! The data is presented without comment. Regardless of how the craniotomy controversy is settled, if ever, the treatment of body length by the pathologists is nothing short of disgraceful and, at the very least, highly suspect.

As for the craniotomy, the report devotes three sentences: "A previous autopsy saw cut in the usual fashion was present on the calvarium with an anterior inverted V-notch in the right frontal region. The calvarium was maintained in continuity with the remainder of the skull by virtue of decomposed mummified tissue. The previously sawed calvarium was not separated nor was it easily dislodged."

There is no doubt whatsoever that the report's main author, Linda Norton, knew about the craniotomy issue—yet the report ignores it and relates facts and information that apparently did *not* surface during the examination.

In March 1983 the court reporter, hired by one of Marina's attorneys, Jerry Pittman, told him that there was no reference to a craniotomy or any skull marks by the pathologists. And according to Cullins, who has twice reviewed the color video tapes of the examination, the audio recording has no such comment either.

So new questions arise about whether the cut was seen or not. And who noted the distinctive "V-notch"

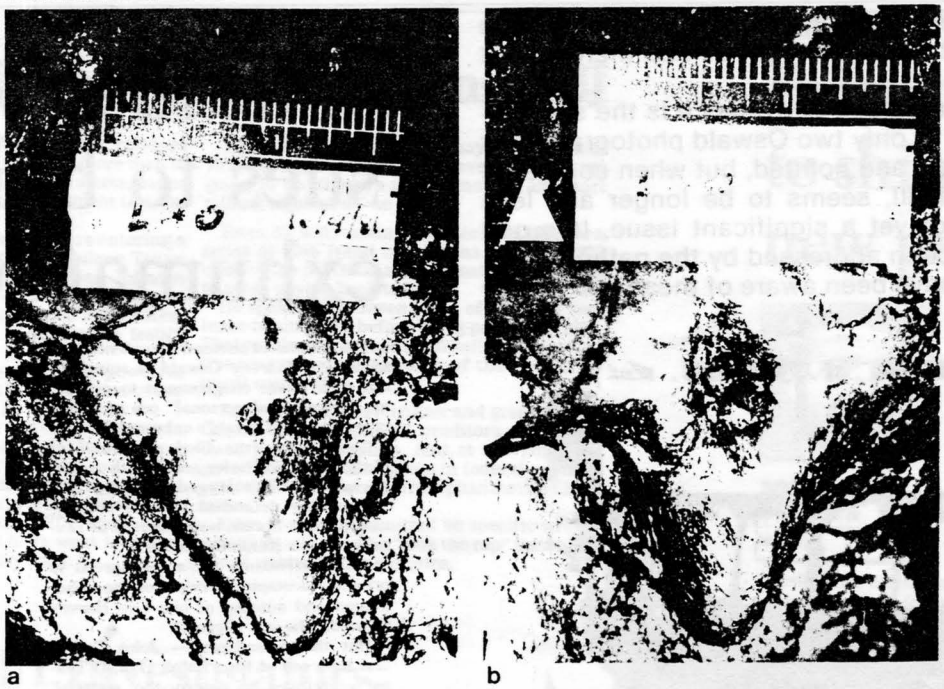


FIG. 2—*Right* (a) *and left* (b) *mastoid processes of Lee Harvey Oswald as photographed on 4 Oct. 1981. Note the evidence of prior mastoid surgery in* b. *(Antemortem records of left mastoidectomy noted on military enlistment and separation medical records in October 1956 and September 1959, respectively.)*

and its location? How could the cut edges have been hidden by "mummified tissue" when other observers, confirmed by the tapes, watched the skull being cleaned off *to the bone* with a brush. And how could the skullcap not have been "easily dislodged" when *no attempt was made to do so*? Interestingly, the report makes no mention of the skull cleaning.

The next two sections detail the Dental Examination and Comparison without noting how many x-rays or photographs were taken. The pathologists posed two questions and attempted to answer both. They failed.

The first was to determine the date of the Marine Corps x-rays, which had been obtained from government files in St. Louis by Dr. Norton when she was employed by Dallas County under Dr. Petty. Apparently the x-rays were undated!

From other records supplied by the government, Norton learned that dental x-rays had been taken on two dates: October 25, 1956 and March 27, 1958. Both sessions were in San Diego. But for comparison purposes at Baylor, only the latter radiographs were used. The report offers no explanation for ignoring the 1956 x-rays. Again, this is another incredible omission, for the identity questions specifically concern the Oswald who entered the Marines compared with the one who returned from Russia. Some of the 1958 x-rays appear in the report, but the 1956 x-rays do not.

The second question was really a two-parter: Could the six different inconsistencies be explained and could the records be authenticated? Not surprisingly, the differences were attributed mostly to the "many different practitioners in the military." But the report does not reproduce any of the original dental charts or reports, so there's no way to know how many dentists Oswald had.

Nor is it fair to assume that they made some rather glaring errors. For example, the maxillary right third molar (number 1, Universal system) was noted as missing on some reports. But the dental pathologists found it was "unerupted," or hadn't yet come out and "is not normally found in the...view used."

Another error was attributed to mistaking one tooth for an adjacent tooth on the chart! Are we really supposed to believe that the Marine Corps builds men and trains sharpshooters but can't locate a cavity?

The report adds "After much study of the dental records, it was decided independently by each team member that the dental records were authentic and could be used to support an identification." Such a cleverly written summary! The doctors had decided that the available records matched the body exhumed at Rose Hill, but nowhere is there any proof that the records are those of the Oswald who enlisted. The very crux of the issue had been neatly sidestepped. "Based upon the consistency of the dental charting, the dental radiographs, the dental records and the lack of any unexplainable, inconsistent items, positive dental identification was made." Indeed!

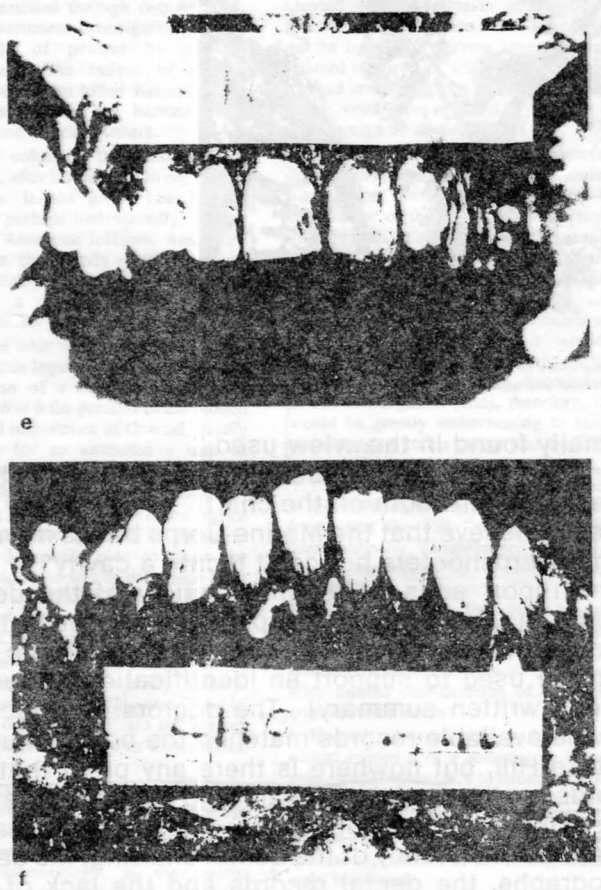
The final section is the Summary and Conclusion, in which the basic information given at the news conference was repeated and the fact that it was the real Oswald "was based upon comparison of the postmortem dental findings with existing antemortem dental charts and radiographs. The left mastoidectomy defect also correlated with the antemortem medical records." In other words, the body matched the stuff supplied by the government.

The left and right mastoid areas are shown elsewhere in this article. Both appear as they would in life and, according to medical books and Dr. Earl Rose himself, the craniotomy cut has to be within 1 inch of the mastoid. Just above the arrow is a narrow line. That is not the saw cut. It's too steep and is not continued on the other side of the ruler. Nor is there a line of any kind on the right side of the skull. If the exhumed skull had a craniotomy, the photos in the report do not show it.

Again according to Cullins, over 100 still photos were taken of the skull and teeth. Norton, who had possession of those pictures for over two years (and

may still have them), knew of the controversy yet chose photos that do not reveal the cut. Or was there no cut to be seen?

Another intriguing piece of evidence is the short incisor tooth visible in only two Oswald photographs. It appears rather short and pointed, but when compared to the exhumed skull, seems to be longer and less pointed. While not yet a significant issue, this odd tooth could have been addressed by the pathologists, but they may not have been aware of these two smiley photos.



e

f

FIG. 5 - *The dentition of Lee Harvey Oswald as photographed on 4 Oct. 1981. (e) maxillary anterior teeth and (f) mandibular anterior teeth.*

So who is really buried in Oswald's grave? Marina has filed suit to regain the video tapes, former friend John Cullins says he's not involved with the dispute, cameraman Hampton Hall believes he owns the tapes, and his father, a longtime Texas politico, wants legal jurisdiction transferred to his home county of Rockwall. Marina lives there, too.

Meanwhile, Norton has returned to Dallas in private practice as a consultant and has an office one floor below that of her good friend Jerry Pittman. Eddowes, who is paying the cost of Marina's suit, stays in a Dallas hotel room wondering if he'll ever see the day when his questions are answered.

Incidentally, back issues of the Journal are $19 each. However, requests for reprints may be addressed to:

James A. Cottone, DMD, MS
Department of Dental Diagnostic Science
University of Texas Health Science Center at San Antonio Dental School
7703 Floyd Curl Dr.
San Antonio, TX 78284

DTH 2-8-84

Oswald's widow sues to block exhumation tapes

The widow of accused presidential assassin Lee Harvey Oswald is suing the son of a Texas congressman to prevent his "private and personal" use of videotapes taken of Oswald's exhumation.

Court documents filed on behalf of Marina Oswald Porter and British author Michael Eddowes alleged Hampton Hall and another defendant violated the privacy of Mrs. Porter, now married to Texas contractor Kenneth Porter.

"The defendants for a fee agreed to private videotaping services of the exhumation and autopsy of one Lee Harvey Oswald," the suit alleged.

But the defendants — John Cullins and Hall, son of Rep. Ralph Hall, D-Texas — refused to return the material, which included photographs and other documents of the man who it is believed shot President John F. Kennedy in Dallas on Nov. 22, 1963.

Instead, the tapes were "converted to their private and personal use," the suit alleged. The document did not elaborate.

In addition to the tapes themselves, Mrs. Porter demanded "reasonable" legal compensation of at least $5,000.

"I have no comment whatsoever at this time," said Hampton Hall, who did the actual taping.

DMN 2-7-84

Marina Oswald sues 2 men to gain exhumation records

The former wife of accused presidential assassin Lee Harvey Oswald filed suit in state district court in Dallas Monday seeking to force two Rockwall men to surrender videotapes and photographs of Oswald's 1981 exhumation and autopsy.

Marina Oswald Porter contends in the suit that she and British author Michael H.B. Eddowes paid Hampton Hall and John Norman Collins to record the October 1981 exhumation and autopsy, but never received the recordings.

Hall and Collins could not be reached for comment Monday.

Oswald was shot to death by nightclub owner Jack Ruby two days after President John F. Kennedy was killed on Nov. 22, 1963.

Mrs. Porter had Oswald's body exhumed to dispel Eddowes' theory that a Soviet spy was buried in Oswald's grave.

An autopsy conducted by a team of pathologists at Baylor University Medical Center in Dallas concluded that the body exhumed was that of Oswald.

Mrs. Porter's lawsuit contends that the recordings of the exhumation and autopsy are her property and are being illegally kept by Hall and Collins to be used for their personal benefit.

DMN 3-2-84

WELL, HE'S CERTAINLY QUALIFIED, BUT CAN HE TYPE?: Among those running for Tarrant County sheriff this go-round is **Pat Kirkwood**, Cowtown's onetime original beatnik who operated the infamous Cellar nightclub through the 1960s and into the 1970s.

The famous after-hours place was mentioned repeatedly in the Warren Commission report as it was the hangout for Secret Service men during the evening before the Kennedy assassination. The commission seemed intrigued with the Cellar because Jack Ruby on several occasions hired away Kirkwood's waitresses to be strippers.

FWST 11-17-83

Estes claims evidence against LBJ

NEW YORK (AP) — Billie Sol Estes, released from prison this week after serving more than 10 years for fraud and concealment of assets, claims his testimony could have sent President Lyndon B. Johnson to jail.

In an interview Wednesday before entering a Salvation Army halfway house in Abilene, Texas, the one-time agricultural wizard and Johnson supporter said President John F. Kennedy and his brother, then-Attorney General Robert Kennedy, had offered him immunity to testify against Johnson.

"The Kennedy brothers were very powerful people, and they wanted to hold the power of our land," Estes told the *CBS Morning News*.

"They looked at my deal and they called me in to the table and said, 'There's a lot wrong here, son. Do you want immunity, and we're going to turn you loose. We really don't want you.'"

Asked if that meant Johnson could have gone to jail in his place, Estes said, "If I would have testified against him, he'd have went to prison and I could have gotten immunity."

However, Estes refused to say what kind of wrongdoing he might have revealed. "I'm not going to do 10 years and 10 months and start talking right now," he said.

Estes, 58, will remain on parole until 1998 for a series of 1965 fraud convictions and two 1979 convictions for fraud and concealment of assets to avoid paying back taxes.

He spent nearly seven years of a 15-year sentence behind bars before being paroled in 1971. That parole was revoked in 1979 after he received five-year sentences for each of the two subsequent convictions.

After Estes' Texas fertilizer and grain storage empire collapsed in 1962, creditors claimed he owed them $38 million. And at one point the government had $21 million in federal tax liens against Estes for income from phantom fertilizer tanks.

Estes previously admitted no specific wrongdoing and indicated he "took the rap" for a number of unidentified associates.

WP 11-25-83

JFK Death Investigators Move to Open Hill Files

By George Lardner Jr.
Washington Post Staff Writer

Although 20 years have passed since President Kennedy's assassination, secrecy still is the rule for the files of the House Select Committee on Assassinations, which conducted the last major inquiry into the murder.

All but one of the members of that committee who still are serving in the House introduced a resolution last April 13 gradually to open the records, which also involve the inquiry into the death of the Rev. Martin Luther King Jr., under guidelines established years ago for the Warren Commission.

But this measure has been stalled in the House Administration Committee because of objections from Rep. Louis Stokes (D-Ohio), the former chairman of the assassinations committee, apparently acting on the advice of the committee's former chief counsel, G. Robert Blakey.

As a result, no hearings have been held on the resolution, although it has picked up almost 40 other cosponsors and support of the National Coordinating Committee for the Promotion of History, a consortium of 29 historical organizations.

"Time has just run out," House Administration Committee Chairman Augustus F. Hawkins (D-Calif.) said last week of the failure to hold a hearing before adjournment. "I know there are some who are opposed to the resolution. I think Mr. Stokes has some problems with respect to the confidentiality by which some of the information was obtained."

The Warren Commission's voluminous records on the Kennedy assassination also originally were scheduled to be kept sealed for 75 years, but about 95 percent of them have been made public. Experts at the National Archives have sifted them under rules prohibiting disclosures that might be detrimental to law enforcement, might reveal the identities of confidential sources, jeoparidize future investigations, or embarrass innocent individuals.

The House resolution also would prohibit the release of proceedings that the committee voted to keep secret, or where confidentiality had been promised to a witness in closed session.

Stokes could not be reached for comment. But Rep. Robert W. Edgar (D-Pa.), a sponsor of the resolution, said that he spoke to Stokes about his reservations several weeks ago. Edgar said Stokes told him: "I'm doing this because of Blakey."

The final report, completed by Blakey and other staff aides in 1979 after the committee had disbanded, stated that "public disclosure of all the facts" surrounding the investigations of the Kennedy and King murders was essential.

But it turned out later that Blakey and Stokes had arranged to lock up all of the backup records and transcripts that the committee did not publish. And they also asked the Justice Department, the CIA and other executive branch agencies to treat the records they compiled for the House investigation in the same fashion as "congressional material," not to be released to the public.

Blakey, now a professor at Notre Dame Law School, said he believes organized crime figures were responsible for Kennedy's murder. He said in a telephone interview that releasing the files, even under the Warren Commission safeguards, would be a waste of time. Blakey also said that he saw no reason why the assassinations committee's records should be treated differently from those of other committees of Congress.

Blakey said that promises of confidentiality to witnesses interviewed by committee investigators and lawyers were "the exception rather than the rule" and were more frequent in the King investigation than the Kennedy inquiry. But he said that "those promises unfortunately are not expressed" in the committee's records and reports of those interviews.

Blakey said that he is not flatly opposed to the resolution, but thinks it would be unproductive.

DMN 3-23-84

Bright's sure to shine upon new property

JOHN ANDERS

NOTES

Don't buy new Dallas Cowboys owner H.R. (Bum) Bright's claim that he'll be the invisible man where the team is concerned.

The man who put together the $80 million package to purchase America's Team has left a big footprint wherever he's trod. It was Bright, of course, who wheeled and dealed on behalf of Texas A&M several years ago for the acquisition of Jackie Sherrill, college football's first million-dollar coach.

And it was Bright who was one of three Dallas businessmen who paid for the infamous "Welcome Mr. Kennedy to Dallas" advertisement that appeared in *The Dallas Morning News* on the morning of John Kennedy's assassination in 1963.

H.R. (Bum) Bright: ad underwriter

Three members of the local John Birch Society wrote the ad, which asked such questions as "Why have you ordered or permitted your brother Bobby, the Attorney General, to go soft on Communists, fellow travelers and ultra leftists in America . . . ?"

Bright told *The News* last year he had no regrets for helping fund the ad. "There was a guy putting the thing together and he came to see me and I gave him some money," he said. "I think I knew the tenor of it (the ad). I contributed to conservative and right-wing causes, always have and still do."

How come the only left-winger in football turns out to be Howard Cosell?

■

DMN Obit 3-25-84

Elsewhere

KELLERMAN, Roy H., 69, of St. Petersburg, Fla., the Secret Service agent who was riding in the front seat of the car when President John F. Kennedy was assassinated in Dallas.

DMN 3-14-84

■

TODAY IN HISTORY: In 1794, Eli Whitney received a patent for the cotton gin. In 1879, physicist Albert Einstein was born in Ulm, Germany. In 1964, a jury in Dallas convicted Jack Ruby of the "murder with malice" of Lee Harvey Oswald.

TV GUIDE 2-25-84

THE LIMITS OF DOCUDRAMA

Recent media distortion of J. Edgar Hoover, and, more significantly, of the fine American institution that brought good law enforcement to this country under his leadership, as exemplified in NBC's miniseries *Kennedy*, is rapidly revising honest history. America cannot afford to raise new generations doomed to perceive the FBI as an object of loathing and distrust. It cannot afford future generations of brainwashed victims led to the false belief that the FBI for five decades had a history of stupidity and incompetence under the moronic leadership of a sex-obsessed tyrant who successfully blackmailed one American President after another.

Daniel F. Garde
FBI Agent, 1941-73
Brooklyn

[We agree that Mr. Hoover has been defamed quite improperly.—Ed.]

(True, there are much better ways to defame the bastard. He certainly earned them.)

Hoover Dammed Kennedy Probe

By Earl Golz

Dallas

THE CONTROVERSY over John F. Kennedy's assassination has persisted through two decades, three government investigations, and a multitude of probes by private researchers. The failure to explain satisfactorily who killed Kennedy, and for what reason, has harmed some careers and wrecked others.

It has enhanced the presidency of Kennedy, after his death, into one bigger than life. It has given Lee Harvey Oswald, perhaps undeservedly, lasting status in American folklore. And more important, the tragedy of 1963 precipitated a distrust in government institutions — a distrust corroborated by Watergate 10 years later.

Who or what was responsible for this morass, this legacy of doubt? Was it the impression of a conspiracy officially denied? Was it the paradox of the sudden historical importance of Oswald, hardly a figure for so awesome a task as assassinating a president? Was it Jack Ruby, Oswald's quixotic executioner?

Was it Earl Warren, the Chief Justice who reluctantly acceded to President Lyndon Johnson's plea to chair the commission that was to determine what happened in Dallas? Or was it LBJ, who demanded a too-hasty decision from the Warren Commission?

Neither Oswald nor the others should be blamed for the lingering malady. Blame instead J. Edgar Hoover. The FBI director was deathly afraid the Warren Commission would find an assassination conspiracy.

Hoover's dilemma was twofold. The FBI in 1963-4 had the prime responsibility of investigating the assassination for the Warren Commission. It also had the prime responsibility, in the months *before* the assassination, of monitoring Oswald's activities.

The FBI's domestic intelligence division certainly was derelict if it missed detecting before the assassination that Oswald, once a defector to Russia, entered into a conspiracy to kill the president. However, if he acted alone, on the spur of the moment in a state of mental derangement, the Bureau had no such responsibility. Lone nuts with a tendency to sporadic violence are left to the jurisdiction of local police departments, unlike defectors who may have intelligence connections.

Hoover's fear of finding a conspiracy nurtured the myth of Oswald as a lone nut. Memoranda of the FBI director's aides revealed he had a "deep concern that the FBI might be charged with some dereliction in connection with the president's death," the Senate Intelligence Committee stated in 1976.

Hoover and other top FBI officials "were continually concerned with protecting the Bureau's reputation and avoiding any criticism for not fulfilling investigative responsibilities," according to the Senate committee. "Within weeks after the assassination, the FBI, at the urging of senior government officials, issued a report concluding that Oswald was the assassin and that he acted alone. The Bureau issued its report on the basis of a narrow investigation focused on Oswald, without conducting a broad investigation of the assassination which would have revealed any conspiracy, foreign or domestic."

William C. Sullivan, former assistant director in charge of the FBI's domestic intelligence division and in 1963-4 coordinator of the Bureau's conspiracy investigation of the assassination, said Hoover's paranoia undermined an effective probe for a conspiracy. Sullivan said Hoover "did not want the Warren Commission to conduct an exhaustive investigation for fear that it would discover important and relevant facts that we in the FBI had not discovered in our investigation [and], therefore, it would be greatly embarrassing to him and damaging to his career and the FBI as a whole."

The House Assassinations Committee in 1979 was more charitable. The panel found that the FBI "considerably, if unintentionally, compromised the quality of the effort to investigate the possibility of a conspiracy." It noted Hoover's "predisposition that Oswald had been a lone assassin affected the course of the investigation, adding momentum to conclude the investigation after limited consideration of possible conspiratorial areas."

Hoover's determination to hide and distort evidence of a conspiracy, however, would come back to haunt the FBI in later years. As his deceptions became apparent, the doubts and suspicions millions of Americans had about the official explanation of the assassination only increased.

ONE OF THE more recent embarrassments for the FBI is little known. The Bureau declined to discuss the matter, saying it "could possibly identify security sources." It happened about three years ago when the Bureau discovered that a Soviet diplomat in New York was not the prized double agent of the FBI, as Hoover had long valued him, but in reality a triple agent under the control of Soviet intelligence.

Code-named "Fedora," the diplomat in 1964 gave the FBI assurances the Russians had viewed Oswald as a lunatic and thus never considered him for KGB recruitment during his self-imposed exile in Russia from 1959 to 1962. In the eyes of Hoover, Fedora had verified the story told by Yuri Nosenko, another KGB officer who "defected" to this country two months after the Kennedy assassination.

Nosenko, claiming he "personally superintended" the KGB file on Oswald in Russia, insisted the Soviet intelligence agency considered him "of no interest" because of his "mental instability." He said the KGB "had no personal contact with Oswald and had not attempted to utilize him in any manner."

The House Assassinations Committee, however, determined in 1978 after extensive questioning of Nosenko that he had "lied about Oswald" in 1964. The committee found it "highly probable that the Soviet government possessed information on Oswald that it has not provided the U.S. government," such as records of surveillance and KGB interviews with the ex-Marine radar operator during his stay in Russia.

After the committee punctured Nosenko's credibility, the FBI began secretly re-evaluating Fedora's bona fides as a double agent for the Bureau. The Bureau subsequently discovered Fedora to be a triple agent who had never really switched his allegiance from the Soviet Union. Before the FBI could drop the net over him, he left his cover position with the Soviet entourage at the United Nations in New York and returned permanently to Russia.

Although Hoover in 1964 officially accepted the stories of Nosenko and Fedora, in his own mind he apparently was unconvinced. He later sent an officer of the Communist Party of the USA to Cuba in an undercover role to probe Fidel Castro's knowledge of the assassination. When the agent returned, he told Hoover that Castro said Oswald had "vowed in the presence of Cuban consulate officials" in Mexico City to assassinate Kennedy. The alleged Oswald statement — Castro subsequently denied he made the remark — was made two months before the assassination.

The Oswald threat becomes more ominous when it is known he met in Mexico City a short time later with Valeriy Kostikov, the KGB agent in charge of assassination and sabotage in the Western Hemisphere. The CIA had learned about the meeting at the Soviet Embassy but not what was said. Would not the Cuban consulate relay the Oswald threat to kill Kennedy to the Soviet Embassy when a consulate employee telephoned to say the American was on his way there to seek a visa to Russia?

James Hosty, the FBI agent who monitored Oswald's activities in Dallas when he returned from Mexico in October 1963, is still troubled by the Oswald-Kostikov meeting.

"First of all, Oswald said he wanted to do it [kill Kennedy]," said Hosty, now retired. "Then he met with Kostikov. And then he did it (eight weeks later). Now that doesn't prove anything. But it sure doesn't look good."

Furthermore, Hosty said, "Kostikov must have led him to believe that he would get his visa" to Russia because Oswald returned to the Soviet Embassy three days later "convinced they had a visa for him." He didn't get one, but one month later — and less than two weeks before the assassination — Oswald wrote the Soviet consulate in Washington that its embassy in Mexico City was unprepared for his visa request. He had not intended to contact the embassy in Mexico City, he wrote, but had he "been able to reach the Soviet Embassy in Havana as *planned*, the embassy there would have had time to complete our business."

Oswald also stated in the letter, dated Nov. 9, 1963, that he was glad that Eusebio Azcue, the Cuban consul in Mexico City with whom he had quarreled in an unsuccessful attempt to get a visa to Cuba, "has since been replaced." Oswald, however, was wrong. Azcue did not leave as consul until Nov. 18, four days before the assassination.

Original plans called for Azcue to leave Mexico City in October, as Oswald stated, but his departure was delayed a month. The puzzle is how Oswald learned of such sensitive information when his visa argument put him in a hostile atmosphere at the Cuban consulate. The only other sources for the information in Mexico City would have been the CIA, which earlier had circulated a memo stating Azcue would leave in October, and the Soviet Embassy, where Oswald is known to have talked only to Kostikov.

If Oswald learned about Azcue's departure from Kostikov and not from the CIA, it raises speculation about what really was said between the pair. On the other hand, a 300-page report published by the House Assassinations Committee in 1979, entitled "Lee Harvey Oswald, the CIA and Mexico City," remains classified. The final reports of the House committee and the Warren Commission fifteen years earlier mentioned Kostikov only once without any significance.

Hosty asserts he himself was the victim of FBI deception in connection with Kostikov. The agent said someone in the FBI office in Dallas prevented him from being able to testify about the true KGB mission of Kostikov when Hosty appeared before the Warren Commission. Oswald's internal security file was secretly removed from its place in the Dallas office, Hosty claims, when he was ordered to attend a Dallas police interrogation of Oswald hours after Kennedy was shot. Consequently, Hosty said he never saw some newly arrived documents that revealed Oswald met with Kostikov, identified as the KGB agent for assassination and sabotage.

Hosty contends the Kostikov documents were reinserted into the Dallas FBI files *after* he appeared before the Warren Commission five months later. His commission testimony of May 1964 supports his story: "I was quite interested in determining the nature of his (Oswald's) contact with the Soviet Embassy in Mexico City. I had not resolved that on the 22nd of November (assassination date). We are still waiting to resolve that." Nothing indicates the excised documents ever reached the Warren Commission.

Hosty recalls that Alan Belmont, Hoover's assistant, became quite disturbed when Hosty mentioned Kostikov's name during a preliminary briefing in preparation for his testimony. Hosty told Warren Commission lawyers he saw a notation somewhere in the Dallas office on the day of the assassination that Oswald met "with a Russian named Kostikov."

Belmont, Hosty said, muttered under his breath, " Damn it, I told them not to let you see that.' "

Kostikov's true role as a KGB agent was not publicly revealed until thirteen years after the assassination, in 1976, when the Senate Intelligence Committee declassified the CIA's report of Oswald's Mexico City contacts. The committee said the FBI's Soviet experts in Washington in 1963 knew of Kostikov's KGB role. The panel stated it was "most surprising" the FBI's Soviet experts "did not intensify their efforts in the Oswald case" after being informed of his meeting with Kostikov.

THE KOSTIKOV incident wasn't the only one for which an important FBI document failed to reach the Warren Commission. Within a month after Oswald returned from Russia to the United States in 1962, FBI agents interviewed him to try to determine, among other things, whether he was a "sleeper," a Soviet agent provocateur. During the interview, Oswald refused to take a polygraph test about his negative answers to questions of ties with Soviet intelligence.

Earl Golz, a former Dallas Morning News *investigative reporter, has for many years reported on the JFK assassination and subsequent related events.*

Two years later the pages that discussed Oswald's refusal to take the lie detector test were omitted from the FBI report of the interview given the Warren Commission. And John W. Fain, the agent who wrote the report, did not disclose Oswald's refusal to be polygraphed when he later testified before the Warren Commission, the Senate Intelligence Committee said, "despite detailed questioning by commission members . . . as to the discrepancies in Oswald's statements and Fain's reactions to them."

Other potentially important evidence which never reached the Warren Commission was Oswald's Minox — a miniature camera often used for espionage work — loaded with exposed film. Dallas police found the German-made camera in a search of Oswald's old Marine seabag after the assassination and listed it in their inventory of Oswald's property.

The Minox camera subsequently was listed in the FBI's inventory when Dallas police turned over all the property to the Bureau four days after the assassination. However, one day later, after the property was delivered to the FBI laboratory in Washington, the camera item was changed to read "Minox light meter." The FBI also tried unsuccessfully to pressure Dallas police into reporting a light meter in place of the camera.

"The thing we got at Irving out of Oswald's seabag was a Minox camera, no doubt about it," said Gus Rose, the Dallas police detective who found it. "They [FBI] tried to get me to change the [police inventory] records because it was a camera. I don't know why they wanted it changed, but they must have had some motive for it."

Later the FBI introduced a Minox camera into the records as being found during the Oswald property search, but not as Oswald's property. Under a Freedom of Information Act request in 1978, the FBI released 25 photographs developed from two rolls of Minox film supposedly found among Oswald's possessions fifteen years earlier. More then twenty prints from one roll showed civilian scenes apparently in Europe. Five other prints from the second roll showed military installatons either in the Far East or Central America.

Another example of Oswald's photographic ability was not revealed by the FBI until fourteen years after the assassination. Photos that Oswald took in Russia were referred to among thousands of pages of other FBI documents declassified in 1977-8. The photo references were not stamped "CD," meaning they probably had not been submitted to the Warren Commission. Neither the photos themselves nor where the FBI found them have been released.

A number of the photo descriptions, all in the Minsk area where Oswald lived, were of military establishments and other sensitive sites more of interest to an espionage agent than a sightseer. Hoover once told the Warren Commission that an "espionage training school" was located in the Minsk area.

In Dallas while working in a typesetting and photography shop after his return from Russia, Oswald was seen trying to enlarge a photo of a "military headquarters" building in Minsk taken with a "small camera," according to fellow employee Dennis Ofstein. Oswald told Ofstein guards at the building "were armed with weapons and ammunition and had orders to shoot any trespassers or anyone trying to enter the building without permission." After the assassination, FBI agents showed Ofstein and other employees a photo of a leather pouch that Oswald might have used to conceal a miniature camera.

In 1964, Oswald's knowledge of sophisticated espionage equipment was made public only because Ofstein mentioned it during his Warren Commission testimony. Oswald talked in detail about the geographical disbursement of Soviet military units, Ofstein said, and introduced him to the term "microdot." Ofstein said Oswald described microdots as "a way spies sometimes send messages and pictures of diagrams" by photographically reducing them to a dot and placing them "under a [postage] stamp."

The FBI's only written account about Oswald's life in Russia during the period from January 1960 to March 1961 was Oswald's "historic diary" found among his personal effects after the assassination. Handwriting experts told the House Assassinations Committee in 1978 that the diary was written by Oswald but on the same paper and in a continuous pattern in one or two sittings.

The committee also noted the dates and events described in the diary on occasion occurred *after* the time Oswald purportedly wrote about them. Oswald's Russian-born wife testified he brought the diary with him when he returned to the United States in 1962, making it a forgery done in Russia.

Oswald, however, was straddling both sides of the intelligence fence in the final months before the assassination. During the summer of 1963, just before this trip to Mexico City, he actively tried to join the anti-Castro Cuban exiles at their CIA-supported guerilla training camp near New Orleans.

He also was running a one-man New Orleans chapter of the pro-Castro Fair Play for Cuba Committee out of the same building housing the office of former Chicago FBI chief W. Guy Banister, a rabid anti-Communist. The FBI was later to mislead the Warren Commission by listing Banister's office as the side entrance to the building whose main address was stamped on some of Oswald's FPCC leaflets.

Banister, a major force behind the Cuban exile anti-Castro movement in New Orleans, was aware of Oswald's FPCC operation in an office directly above his, according to his secretary. Delphine Roberts said she interviewed Oswald in the summer of 1963 for a position of "undercover agent" in Banister's private detective agency.

When Roberts saw Oswald distributing FPCC literature on the street, Banister assured her " 'not to worry about him. He's a nervous fellow, he's confused. He's with us.' "

At that time, Banister had kept his former FBI contacts current, according to Roberts, "and was still working for them." "I know he and the FBI traded information due to his former association," she said, "and I think he received funds from the CIA. I know he had access to large funds at various times in 1963."

Another man whose office was to the rear of Banister's at 544 Camp St., Roberts said, was David W. Ferrie. Ferrie, a contract operative for the CIA, trained pilots for the Bay of Pigs invasion of Cuba launched from Guatemala in 1961. She said Ferrie talked with Oswald at the offices "as if he knew him, I won't say intimately." She also recalled the two once taking rifle practice together at an anti-Castro training camp near New Orleans.

Another Banister secretary, Mary Brengel, doesn't recall seeing Oswald in the offices "but very little was explained to me and there were many locked files and kind of an air of secrecy." She remembers rifles propped up against the wall of Banister's office "and how they talked over different qualities (of the weapons) in hushed tons over long hours. And as of the day of the assassination those guns were gone and were never back in the office again."

Before Oswald joined the Banister operation — none of which the FBI said it could confirm — he worked at a coffee company in New Orleans owned by William Reily, a financial supporter of the Free Guba Committee, a militant right-wing, anti-Castro group with CIA connections. Oswald made friends with Adrian Alba, an avid gun collector and manager of an auto storage garage next door to the coffee company.

One summer day in 1963, Alba said he saw Oswald leave the coffee company and receive an envelope from an FBI agent through the window of one of the government cars from Alba's garage. Oswald and the same green Studebaker had another "timed rendezvous" about two days later at the same location, Alba said, but there "was just something said, rather than exchanged." He said the FBI agent was driving a Secret Service car from his garage because no FBI cars were available at the time. The man had shown Alba credentials as an FBI agent from Washington "who was flown down and needed a vehicle."

Later Oswald was arrested while distributing pro-Castro FPCC literature in downtown New Orleans. From his jail cell, Oswald told a New Orleans police intelligence officer he "was desirous of seeing an agent [of the FBI] and supplying to him information with regard to his activities with the FPCC in New Orleans," according to an FBI report declassified in 1977. Agent John Quigley talked to Oswald for ninety minutes and left with little information other than FPCC literature, some of which was stamped with the 544 Camp address.

ONE OF the most significant FBI secrets was Hoover's decision not to reveal to the Warren Commission the CIA plots to assassinate Castro. The plots were initiated three years before the Kennedy assassination — using organized crime figures — and were continuing to the very day of JFK's death. FBI headquarters in Washington did not even disclose information about the Castro plots to field agents involved in the Kennedy assassination investigation.

President Johnson, in 1967, caused some uneasiness in FBI top ranks when he learned of the Castro plots and allegations that Castro may have retaliated against Kennedy. Johnson had an aide, Marvin Watson, direct the FBI to investigate the matter, but the Bureau did little more than conduct a cursory interview of the Washington lawyer who had passed on the allegations from some organized crime clients.

Thirteen years after the assassination the Senate Intelligence Committee stated it was "still unclear" why senior officials of the FBI and CIA permitted the Kennedy assassination investigation to go forward and the Warren Commission "to reach its conclusion without all the relevant information." One year earlier the American public had its first peek at FBI deception in the assassination probe.

The *Dallas Times Herald* revealed in 1975 that Oswald had made a peculiar contact with the FBI office in Dallas several weeks before the assassination. A secretary in the office recalled that Oswald left a threatening note to "blow up" the building if agent Hosty didn't stop "bothering" Oswald's wife. Hosty insisted the note contained no threat of violence — that Oswald indicated he would "take appropriate action and report this [Hosty's conversations with Mrs. Oswald] to the proper authorities."

Whatever Oswald threatened in the note, we have no record of the FBI arresting or questioning him as a result. Nor any record of the note itself. Hours after Jack Ruby killed Oswald, Hosty said he was ordered by FBI superiors to secretly destroy the note.

By 1977, the FBI was not a welcome guest when the House Assassinations Committee began its probe. The investigative legwork was done by private investigators hired by the committee. When the panel's term expired at the end of 1978, it recommended that the Justice Department [hence the FBI] evaluate and examine the committee's evidence to determine whether to carry the investigation further.

THE REST is about to be history. The Justice Department is expected to deliver its report to House Speaker Thomas P. "Tip" O'Neill at the end of the year, and it doesn't look good for conspiracy theorists.

Eleven years after Hoover's death, his ghost still hovers over matters of Kennedy's assassination. G. Robert Blakey, former chief counsel for the House Assassinations Committee, is chagrined over what he expects from Justice.

"The FBI or Justice Department are taking no additional steps in our investigation," Blakey said. "I have been in contact with people I know in the Bureau. And they don't intend to do anything."

Blakey's major evidence — an acoustical test purporting to show that two people fired four shots at Kennedy in Dealey Plaza — has turned into the committee's Frankenstein. The Justice Department submitted the test for an evaluation by a panel of experts chosen by the National Science Foundation.

Without being asked, the FBI in 1980 conducted its own evaluation and with much fanfare announced the committee's test to be invalid. The NSF panel, however, last year declared the FBI evaluation invalid but also concurred that the committee's acoustical findings were invalid.

Blakey said the Justice Department and FBI "are going to accept the NSF panel report and go on about their business. They got something that is inconsistent with us and that is great; now they want to quit. There's no profit in it for them. They can't solve this case now. I think there's virtually no chance that you would identify, apprehend and convict the other participants [in addition to Oswald]. The case is just too old to solve, in the sense of indictments and convictions.

"The only thing the Justice Department would get out of doing the additional science [tests] is either the satisfaction of saying that the committee was wrong on the acoustical analysis, or the embarrassing fact that we have now proven that the Warren Commission scientifically was wrong, and the Department would have to admit it.

"If they did the investigation themselves and if it came in and showed two shooters, they would have to admit conspiracy. And then admit they couldn't solve it, as to who the conspirators were. And I think they just don't want that embarrassment." □

Waco Tribune 11-20-83

A scene that never will be forgotten

By KATHRYN BAKER
And SCOTT McCARTNEY
The Associated Press

Austin Miller remembers. So does Clemon Johnson. And Harold Norman. And Earle Brown. They were there. They saw John F. Kennedy killed on Nov. 22, 1963.

Forgetting has been difficult for Austin L. Miller.

Miller, a railyard worker in 1963, had walked over to Elm Street on his lunch-break and was looking right at Kennedy when shots began to crackle.

At first he didn't realize what was happening, he said. But when he saw a Secret Service agent jump onto the back of Kennedy's limousine, he knew.

"I've tried to forget all I could of it, but I still remember most of it," said Miller, 25 at the time. "I guess you never forget it."

Miller said he has told very few of his friends and co-workers that he was there when Kennedy was killed.

"It's nothing to be proud of to see something like that. I wish it never happened," he said. "I'll always be ashamed of what happened."

Clemon Johnson, 77, was an employee of the Union Terminal Railroad in 1963. Walking back to work from lunch, he and some buddies took an alternate route so they could glimpse the president as his motorcade passed by Dealey Plaza.

They stood on the railroad overpass, above Kennedy's route.

"That was the first president I had seen," Johnson said.

Like dozens of other witnesses to the assassination, Johnson was called to testify before the Warren Commission. He told what he saw, which was little.

He said he was "within throwing distance" of Kennedy when the shots were fired and the Warren Commission "grilled us as if we had done it."

"I never like to talk about it," he said of having seen the incident. "I always just try to ignore talking about it, because to me it was a sad event, not what we thought it would be — just see the president come along and that'd be it."

Earle V. Brown, then a Dallas police patrolman, was standing on a railroad bridge over Elm Street in Dealey Plaza on Nov. 22, 1963. He recalls that two hours before the president's motorcade passed through downtown Dallas, he had imagined seeing a gun protruding from a window and hearing gunshots.

Shortly after noon, Brown heard the real thing.

"I was down there early at about 10 a.m. and I had this vision of a rifle sticking out of a window. It was very strange. Then I heard these shots," said Brown.

"It was a premonition and it has always really shook me up when I think of it. It was like someone was trying to tell me something."

About two hours later, Brown said, he heard shots and saw two or three puffs of white smoke wafting toward the bridge.

The president, he said, was lying in his wife's lap as the car passed beneath him.

"I still see that," he said.

Roy Sansom Truly gave Lee Harvey Oswald a job at the Texas School Book Depository and saw him in the building shortly after he saw Kennedy shot.

Twenty years later, he refuses to talk about what he saw on Nov. 22, 1963.

"That's something that was in the past and you don't talk about," Truly said politely. "Everybody who was there has lived through it and that's all I want to say."

Truly told the Warren Commission that he went outside the building to watch Kennedy's motorcade, heard the shots and then went back inside and saw a police officer.

"The officer had his gun pointing at Oswald," Truly told the commission. "The officer turned this way and said, 'This man work here?' and I said 'Yes.' "

When Harold Norman put it all together — the gunshots he had heard from above, the debris falling into the hair of the man standing next to him and the president falling into his wife's lap — he knew he was as close to history as he cared to be.

Norman and two friends were standing at a fifth-floor window of the Texas School Book Depository, directly underneath the window from which the fatal shots were fired.

He was there because he worked there — with Lee Harvey Oswald.

"I didn't see the gun barrel but I did see the debris that fell in one of my friend's hair. I could hear a gun going off above us, and the debris fell each time there was a shot," Norman said.

The debris was dust and tiny pieces of concrete broken loose by the concussion of the rifle, he said.

"I sure do see that scene — sometimes pretty regularly. Sometimes I'll be driving down the street and thinking about it," he said. "I can close my eyes and see President Kennedy again. One minute he's smiling and waving and then he's slumped back and wounded."

Norman said he never believed a conspiracy was involved in the assassination, but he also never fully believed his co-worker — Oswald — was the trigger man.

"I won't say he did it," Norman said. "I just won't."

BRIEFS....On March 20, Billie Sol Estes told a Texas grand jury that he, LBJ, aide Cliff Carter and Mac Wallace had conspired to kill Federal agriculture official Henry Marshall in early 1961 because he was about to blow the whistle on Estes' crooked business deals and link them to the vice president; Estes also revealed information about the killing that only the gunman, Wallace, could have known (in 1961 the death had been ruled a suicide). This is a major development because it could explain why JFK was going to dump LBJ in 1964, perhaps even send him to jail with Estes - and that's a powerful motivation to have JFK killed; more in the next Coverups....A new photo of the umbrella man and possible accomplice has been found in Dallas - the HSCA had it but never noticed the two men; you'll see it in the next issue in either May or June.

COVERUPS! is published bimonthly with occasional extra issues. Subscription price in North America is $1.00 (US) per issue—others should write for foreign rates. Back issues are available at your regular subscription price. Your subscription expires with the issue number on your address label. Original articles and clippings are greatly appreciated—Coverups! is dedicated primarily to the responsible study of the JFK assassination.

COVERUPS!
4620 Brandingshire Place
Fort Worth, TX 76133